

- I. Claims 1-6, 10-18, 21-33, drawn to a method of creating a molecular profile of a chemical composition by nucleotide hybridization assay;
- II. Claims 1-4, 7, 8, 10-18, 21-33, drawn to a method of creating a molecular profile of a chemical composition by immunoassay;
- III. Claims 1-4, 7, 9-18, 21-33, drawn to a method of creating a molecular profile of a chemical composition by mass spectrometry;
- IV. Claims 19, 20, drawn to a library of profiles wherein the profiles are nucleotide hybridization patterns;
- V. Claims 19, 20, drawn to a library of profiles wherein the profiles are protein profiles generated by immunoassay;
- VI. Claims 19, 20, drawn to a library of profiles wherein the profiles are protein profiles generated by mass spectrometry; and
- VII. Claims 34-41, drawn to an integrated system comprising an array reader.

Applicant respectfully traverse the restriction requirement. As discussed with the Examiner, Applicants respectfully submit that the restriction of claims 1-18 and 21-33 into 3 groups and the restriction of claims 19-20 into 3 groups is unnecessary because the searching of the subject matter of claims 1-18, 21-33 and claims 19-20 will not be burdensome.¹

Applicant further respectfully submit that the restriction of claims 1-4, 7-18, and 21-33 into Groups II and II and the restriction of claims 19-20 into Group V and VI is improper. The independent claims recite "gene expression and protein expression". By contrast, Groups II and V relate to "immunoassay" and Groups III and VI relate to "mass spectrometry". Applicant submits that immunoassay and mass spectrometry are but two methods of determining protein

¹ Applicant does not traverse the restriction of the claims into three separate groups: claims 1-33; claims 19-20; and claims 34-41.

expression, not distinct inventions as asserted by the Office Action. As such, Applicants respectfully request that these groups be rejoined.

Moreover, Applicant notes for the record that the characterization of Group I and Group IV as relating to "nucleic acid hybridization" is unduly narrow, since the claims relate to measurement of gene expression.

In summary, Applicant respectfully requests rejoinder of Groups I-III and rejoinder of Groups IV-VI. Should the Examiner agree, Applicant hereby elects examination of rejoined Groups I-III (claims 1-18 and 21-33).


If restriction is required, Applicant hereby elects Group I (claims 1-6, 10-18, 21-33). Applicant further notes that claim 1 constitutes a linking claim, and respectfully requests rejoinder of withdrawn groups upon allowable subject matter in the elected group. Applicant expressly reserves his/her right under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application, or an application claiming priority from this application.

Applicant requests examination of the elected subject matter on the merits.

In the unlikely event that the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 441472000400. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

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